



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্ব দ্বাৰা প্ৰকাশিত

PUBLISHED BY THE AUTHORITY

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No. 321 Dispur, Thursday, 1st August, 2019, 10th Sravana, 1941 (S.E.)

GOVERNMENT OF ASSAM
ORDERS BY THE GOVERNOR
LEGISLATIVE DEPARTMENT ::: LEGISLATIVE BRANCH :: DISPUR

NOTIFICATION

The 11th July, 2019

No. LGL. 247/2015/177.— The following Ordinance published in the Gazette of India is hereby republished in the State Gazette for general information.

Sl. No.	Name of the Ordinance	Date of Publication in the Gazette of India, Extra-Ordinary Pt-II, Section-1.
1.	The Muslim Women (Protection of Rights on Marriage) Ordinance, 2019 (1 of 2019)	12 th January, 2019.
2.	The Muslim Women (Protection of Rights on Marriage) Second Ordinance, 2019 (4 of 2019)	21 st February, 2019.

रजिस्ट्री सं० डी० एल०—(एन)04/0007/2003—19

REGISTERED NO. DL—(N)04/0007/2003—19



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 4] नई दिल्ली, शनिवार, जनवरी 12, 2019/पौष 22, 1940 (शक)
No. 4] NEW DELHI, SATURDAY, JANUARY 12, 2019/PAUSHA 22, 1940 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 12th January, 2019/Pausha 22, 1940 (Saka)

THE MUSLIM WOMEN (PROTECTION OF RIGHTS ON MARRIAGE) ORDINANCE, 2019

No. 1 of 2019

Promulgated by the President in the Sixty-ninth Year
of the Republic of India.

An Ordinance to protect the rights of married
Muslim women and to prohibit divorce by
pronouncing *talaq* by their husbands and for
matters connected therewith or incidental thereto;

WHEREAS the Muslim Women (Protection of
Rights on Marriage) Ordinance, 2018 was
promulgated by the President on the 19th day of
September, 2018;

AND WHEREAS the Muslim Women (Protection of Rights on Marriage) Bill, 2018 replacing the said Ordinance was passed by the House of the People on the 27th day of December, 2018 and is pending in the Council of States;

AND WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

CHAPTER I PRELIMINARY

Short title, extent and commencement.

1. (1) This Ordinance may be called the Muslim Women (Protection of Rights on Marriage) Ordinance, 2019.

(2) It shall extend to the whole of India except the State of Jammu and Kashmir.

(3) It shall be deemed to have come into force on the 19th day of September, 2018.

Definitions.

2. In this Ordinance, unless the context otherwise requires,—

(a) “electronic form” shall have the same meaning as assigned to it in clause (r) of sub-section (1) of section 2 of the Information Technology Act, 2000;

21 of 2000.

(b) "*talaq*" means *talaq-e-biddat* or any other similar form of *talaq* having the effect of instantaneous and irrevocable divorce pronounced by a Muslim husband; and

2 of 1974.

(c) "Magistrate" means a Judicial Magistrate of the first class exercising jurisdiction under the Code of Criminal Procedure, 1973, in the area where the married Muslim woman resides.

CHAPTER II DECLARATION OF *TALAQ* TO BE *VOID* AND ILLEGAL

3. Any pronouncement of *talaq* by a Muslim husband upon his wife, by words, either spoken or written or in electronic form or in any other manner whatsoever, shall be *void* and illegal.

Talaq to be *void* and illegal.

4. Any Muslim husband who pronounces *talaq* referred to in section 3 upon his wife shall be punished with imprisonment for a term which may extend to three years, and shall also be liable to fine.

Punishment for pronouncing *talaq*.

CHAPTER III PROTECTION OF RIGHTS OF MARRIED MUSLIM WOMEN

5. Without prejudice to the generality of the provisions contained in any other law for the time being in force, a married Muslim woman upon whom *talaq* is pronounced shall be entitled to receive from her husband such amount of subsistence allowance for her and dependent children as may be determined by the Magistrate.

Subsistence allowance.

Custody of minor children.

6. Notwithstanding anything contained in any other law for the time being in force, a married Muslim woman shall be entitled to custody of her minor children in the event of pronouncement of *talaq* by her husband, in such manner as may be determined by the Magistrate.

Offence to be cognizable, compoundable, etc.

7. Notwithstanding anything contained in the Code of Criminal Procedure, 1973,—

2 of 1974.

(a) an offence punishable under this Ordinance shall be cognizable, if information relating to the commission of the offence is given to an officer in charge of a police station by the married Muslim woman upon whom *talaq* is pronounced or any person related to her by blood or marriage;

(b) an offence punishable under this Ordinance shall be compoundable, at the instance of the married Muslim women upon whom *talaq* is pronounced with the permission of the Magistrate, on such terms and conditions as he may determine;

(c) no person accused of an offence punishable under this Ordinance shall be released on bail unless the Magistrate, on an application filed by the accused and after hearing the married Muslim woman upon whom *talaq* is pronounced, is satisfied that there are reasonable grounds for granting bail to such person.

Repeal and Savings.

8. (1) The Muslim Women (Protection of Rights on Marriage) Ordinance, 2018 is hereby repealed.

Ord. 7 of 2018.

SEC. 1]

THE GAZETTE OF INDIA EXTRAORDINARY

5

Ord. 7 of 2018.

(2) Notwithstanding such repeal, anything done or any action taken under the Muslim Women (Protection of Rights on Marriage) Ordinance, 2018 shall be deemed to have been done or taken under the provisions of this Ordinance.

RAM NATH KOVIND,
President.

—
DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.

रजिस्ट्री सं० डी० एल०—(एन)04/0007/2003—19

REGISTERED NO. DL—(N)04/0007/2003—19



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भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 10] नई दिल्ली, बृहस्पतिवार, फरवरी 21, 2019/फाल्गुन 2, 1940 (शक)

No. 10] NEW DELHI, THURSDAY, FEBRUARY 21, 2019/PHALGUNA 2, 1940 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 21st February, 2019/Phalguna 2. 1940 (Saka)

THE MUSLIM WOMEN (PROTECTION OF RIGHTS ON MARRIAGE) SECOND ORDINANCE, 2019

NO. 4 OF 2019

Promulgated by the President in the Seventieth

Year of the Republic of India.

An Ordinance to protect the rights of married Muslim women and to prohibit divorce by pronouncing *talaq* by their husbands and for matters connected therewith or incidental thereto;

WHEREAS the Muslim Women (Protection of Rights on Marriage) Bill, 2017 has been passed by the House of the People and is pending in the Council of States;

AND WHEREAS the Muslim Women (Protection of Rights on Marriage) Ordinance, 2018 with certain modifications was promulgated by the President on the 19th day of September, 2018;

AND WHEREAS the Muslim Women (Protection of Rights on Marriage) Bill, 2018 to replace the said Ordinance has been passed by the House of the People and is pending in the Council of States;

AND WHEREAS the Muslim Women (Protection of Rights on Marriage) Ordinance, 2018 cease to operate on the 21st January, 2019, and to give continued effect to the provisions of the said Ordinance, the Muslim Women (Protection of Rights on Marriage) Ordinance, 2019 was promulgated by the President on the 12th day of January, 2019;

AND WHEREAS the Muslim Women (Protection of Rights on Marriage) Bill, 2018 replacing the Muslim Women (Protection of Rights on Marriage) Ordinance, 2019 with necessary official amendments was listed for consideration and passing in Rajya Sabha and it could not be taken up;

AND WHEREAS to give continued effect to the provisions of the Muslim Women (Protection of Rights on Marriage) Ordinance, 2019, it is necessary to take immediate necessary action in the matter;

AND WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

CHAPTER I PRELIMINARY

1. (1) This Ordinance may be called the Muslim Women (Protection of Rights on Marriage) Second Ordinance, 2019.

Short title, extent
and commencement.

(2) It shall extend to the whole of India except the State of Jammu and Kashmir.

(3) It shall be deemed to have come into force on the 19th day of September, 2018.

2. In this Ordinance, unless the context otherwise requires,—

Definitions.

(a) “electronic form” shall have the same meaning as assigned to it in clause (r) of sub-section (1) of section 2 of the Information Technology Act, 2000;

21 of 2000.

(b) “*talaq*” means *talaq-e-biddat* or any other similar form of *talaq* having the effect of instantaneous and irrevocable divorce pronounced by a Muslim husband; and

(c) “Magistrate” means a Judicial Magistrate of the first class exercising jurisdiction under the Code of Criminal Procedure, 1973, in the area where the married Muslim woman resides.

2 of 1974.

CHAPTER II DECLARATION OF *TALAQ* TO BE *VOID* AND ILLEGAL

Talaq to be void
and illegal.

3. Any pronouncement of *talaq* by a Muslim husband upon his wife, by words, either spoken or written or in electronic form or in any other manner whatsoever, shall be *void* and illegal.

Punishment for
pronouncing *talaq*.

4. Any Muslim husband who pronounces *talaq* referred to in section 3 upon his wife shall be punished with imprisonment for a term which may extend to three years, and shall also be liable to fine.

CHAPTER III PROTECTION OF RIGHTS OF MARRIED MUSLIM WOMEN

Subsistence
allowance.

5. Without prejudice to the generality of the provisions contained in any other law for the time being in force, a married Muslim woman upon whom *talaq* is pronounced, shall be entitled to receive from her husband such amount of subsistence allowance for her and dependent children as may be determined by the Magistrate.

6. Notwithstanding anything contained in any other law for the time being in force, a married Muslim woman shall be entitled to custody of her minor children in the event of pronouncement of *talaq* by her husband, in such manner as may be determined by the Magistrate.

Custody of minor children.

2 of 1974. 7. Notwithstanding anything contained in the Code of Criminal Procedure, 1973,—

Offences to be cognizable, compoundable, etc.

(a) an offence punishable under this Ordinance shall be cognizable, if information relating to the commission of the offence is given to an officer in charge of a police station by the married Muslim woman upon whom *talaq* is pronounced or any person related to her by blood or marriage;

(b) an offence punishable under this Ordinance shall be compoundable, at the instance of the married Muslim women upon whom *talaq* is pronounced with the permission of the Magistrate, on such terms and conditions as he may determine;

(c) no person accused of an offence punishable under this Ordinance shall be released on bail unless the Magistrate, on an application filed by the accused and after hearing the married Muslim woman upon whom *talaq* is pronounced, is satisfied

that there are reasonable grounds for granting bail to such person.

Repeal and
Savings.

8. (1) The Muslim Women (Protection of Rights on Marriage) Ordinance, 2019 is hereby repealed.

Ord. 1 of 2019.

(2) Notwithstanding such repeal, anything done or any action taken under the Muslim Women (Protection of Rights on Marriage) Ordinance, 2019 shall be deemed to have been done or taken under the provisions of this Ordinance.

Ord. 1 of 2019.

RAM NATH KOVIND,
President.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.

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S. M. BUZAR BARUAH,
Commissioner & Secretary to the Government of Assam,
Legislative Department.